



Woolwich Polytechnic  
**School for Boys**



Woolwich Polytechnic  
**School for Girls**

## **PolyMAT**

# **PATERNITY LEAVE AND PAY POLICY**

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## **Introduction**

This policy sets out the Trust's framework on paternity leave and pay following the birth or placement for adoption of a child. The policy is designed to be as comprehensive as possible and contains a summary of the main statutory rights which employees have.

This policy applies to employees of the Trust (which will be referred to as "you" in this policy). It does not apply to agency workers or self-employed contractors.

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the Trust reserves the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

Certain other persons may also be entitled to paternity leave and pay, namely:

- foster parents who have children placed with them with a view to adoption, and
- those who have entered a surrogacy arrangement with a woman, and have been granted, or intend to apply for, a parental order in relation to the child that she bears—please contact the Trust Business Manager for further details.

This policy is not an exhaustive explanation of the law or rules relating to paternity leave and pay. If you have any queries which are not answered by the information in the policy, or if you have any other questions about the policy or your own situation, please contact the Trust Business Manager.

The rules as to eligibility for leave and the notice that must be given to the Trust are different in the cases of birth and adoption. This policy sets out the different eligibility criteria and notice rules for paternity leave in each case.

You will not be subjected to any detriment because you have taken, or sought to take, paternity leave.

## **Paternity Leave**

Eligible employees are entitled to take either one week or two consecutive weeks' paid Paternity Leave following the birth or placement of a child in order to care for the child or support its mother.

During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP).

Eligible employees who have a child through surrogacy will also be permitted to take Paternity Leave and Pay.

## **Paternity Leave in the case of a birth**

### **1. Eligibility for Paternity Leave in the case of a birth**

If you are an employee, you are entitled to Paternity Leave, for the purpose of caring for a child, or supporting the child's mother, provided you:

- are either the biological father of the child and have or expect to have responsibility for bringing up the child, or you are not the child's father but you are married to, or are the civil partner or the partner of, the child's mother and you have or expect to have the main responsibility (apart from the mother) for bringing up the child;
- have not already taken any shared parental leave in respect of the child;
- have at least 26 weeks continuous employment at the 15th week before the expected week of birth of the child; and
- comply with the notification and certification requirements set out below.

The Trust may ask you to provide a self-certificate as evidence that you meet these conditions. The self-certificate must provide the information required above and include a declaration that you meet the necessary conditions. If your child is born more than 14 weeks early, you will still be treated as having satisfied the continuous service requirement (above) on the birth date if you would have had 26 weeks' continuous service by the 14th week before the week in which the child's birth was expected.

### **2. Notification Requirements for Paternity Leave in the case of a birth**

You must notify the Trust of your intention to take Paternity leave, by the end of the 15th week before the expected week of childbirth. If this is not reasonably practicable, you must give the notice as soon as it is reasonably practicable.

You must specify:

- the expected week of the child's birth;
- whether you want to take one week or two consecutive weeks' leave; and
- when you want your leave to start.

You must inform the Trust Business Manager, in writing, as soon as reasonably practicable, of the date the child was born.

You will be required to provide a signed declaration that you satisfy the eligibility requirements for paternity leave and that the purpose of your absence will be to care for the child or support the child's mother contained within the Paternity Leave Request Form available from the HR Manager.

If you wish to claim statutory paternity pay, you also need to follow the notice requirements for statutory paternity pay set out below, in addition to those set out here.

## **Paternity Leave in the case of adoption**

### **1. Eligibility for Paternity Leave in the case of adoption**

If you are intending to adopt a child under 18 years of age, there may be three different kinds of statutory leave following on from the placement of the child available:

- adoption leave;
- paternity leave; and
- shared parental leave.

However, one adopting parent may not take all three types of leave.

Where there are two adopting parents, they must choose which one will take adoption leave, and which will take paternity leave (where the qualifying conditions are met). Paternity leave is not available where only one person is adopting a child on their own; in such cases, the adopting parent may only take adoption leave.

Where there are two adopting parents, both parents may take shared parental leave, if they qualify for it, in substitution for some part of the adoption leave entitlement.

This policy only covers paternity leave and pay. For information on adoption leave and pay, please refer instead to the Trust's Adoption Policy. For information on shared parental leave in the context of adoption, please refer instead to the Trust's Shared Parental Leave Policy (Adoption) Policy.

If you are an employee of the Trust, you are entitled to take paternity leave for the purpose of caring for a child, or supporting the primary adopter (being the person taking adoption leave), provided:

- you have, or expect to have, the main responsibility for the child's upbringing (apart from the responsibility of the primary adopter);
- you are married to, the civil partner or the partner of the primary adopter;
- you have 26 weeks' continuous employment ending with the week in which the primary adopter is notified of having been matched with the child;
- you have not already taken any shared parental leave in respect of the child;
- you have not already exercised a right to take paid time off to attend (on a date before the child is placed for adoption) an adoption appointment in relation to the same child;
- you have not already previously taken paternity leave in relation to the same child as a result of the child being placed with a prospective adopter who was at the time of the placement your spouse, civil partner or partner; and
- you satisfy the notice requirements and the declaration requirements below (which is included as part of the Paternity Leave Request Form).

### **2. Notification Requirements for Paternity Leave in the case of adoption**

You must notify the Trust in writing of your intention to take Paternity leave no later than seven days after being notified of the primary adopter having been matched with the child, or, if this is not reasonably practicable, as soon as it is reasonably practicable. If this is not reasonably practicable, you must give the notice as soon as it is reasonably practicable.

You must specify the:

- date on which the primary adopter was notified of having been matched with the child;
- date on which the child is expected to be placed with the primary adopter;
- length of paternity leave you have chosen to take (one week or two); and
- date you have chosen for your leave to start.

You must also inform the Trust Business Manager in writing of the placement date as soon as reasonably practicable after the date the child is actually placed.

You will also be required to provide a signed declaration that you satisfy the eligibility requirements for paternity leave and that the purpose of your absence will be to care for the child or support the child's primary adopter which is contained within the Paternity Leave Request Form available from the Trust Business Manager.

If you wish to claim statutory paternity pay, you also need to follow the notice requirements for statutory paternity pay set out below, in addition to those set out here.

### **Changing the start date of your Paternity Leave**

If, after providing your written notice, you change your mind as to the start date for your leave, you must inform the Trust Business Manager in writing at least 28 days before the new date your leave will start or, if this is not reasonably practicable, as soon as it is reasonably practicable.

If you do not provide the requisite notice or, where applicable, notice of variation, you may not be entitled to take paternity leave.

### **Taking Paternity Leave**

You are entitled to take up to two weeks Paternity Leave, which must be taken in either one whole week or two consecutive whole weeks.

In the case of a multiple birth (e.g. twins), or where more than one child is placed for adoption as a result of the same arrangement, you are entitled to the same amount of leave as if only one child were involved.

You cannot take the leave as 'odd' days. This period of leave is paid, subject to the eligibility requirements for statutory paternity pay set out below.

Your leave period will be calculated on a 'rolling week' basis. This means that if you start your leave on, for example, a Tuesday, the leave period will run to the end of the following Monday (if you choose a single-week block) or the end of the Monday after that (if you choose a consecutive two-week period).

Leave of either one week or two weeks must be taken within a period of 56 days beginning with:

- the child's birth date, in the case of a birth; or
- the date the child is placed with the adopter, in the case of adoption.

If your child is born early, i.e. before the first day of the expected week of birth, you may take the leave between the date your child is born and 56 days after the first day of the expected week of birth.

### **Contractual benefits during Paternity Leave**

During Paternity Leave you are entitled to enjoy your normal terms and conditions of employment with the exception of pay. You are entitled to return to the same job following Paternity Leave. During your period of absence on paternity leave you will

### **Statutory Paternity Pay (SPP)**

You will be entitled to statutory paternity pay (SPP) for the period of paternity leave you take, provided:

- you satisfy the conditions relating to continuous employment specified above;
- having satisfied those conditions relating to continuous employment, you remain in the Trust's employment until the day on which the child is born or placed for adoption;
- you satisfy the conditions as to relationship with the child (including the requisite responsibility for its upbringing), and relationship with the mother or the primary adopter, specified above;
- your normal weekly earnings are not less than the lower earnings limit applying to National Insurance contributions; and
- in the case of adoption, where you are a person with whom the child is being placed for adoption, you have elected to receive statutory paternity pay rather than statutory adoption pay, (i.e. elected not to be 'the primary adopter').

SPP is payable for a maximum of two weeks if you take paternity leave and will be paid at the lower of either:

- at the Prescribed Rate which is set by the Government for the relevant tax year; or
- 90% of your average weekly earnings.

SPP will be paid into your bank account on your normal pay days, subject to the usual deductions for tax, National Insurance contributions and pension contributions.

To claim SPP during a period of paternity leave, you must give notice in writing to the Trust Business Manager by either:

- in birth cases, in or before the 15th week before the expected week of the child's birth; or
- in adoption cases, no more than seven days after the date on which the primary adopter is notified of having been matched with the child.

The notice must contain the following information:

- your name;
- in the case of a birth, the expected week of the child's birth and, where the birth has already occurred, the date of birth;
- in the case of adoption, the date on which the child is expected to be placed for adoption or, where the child has already been placed for adoption, the date of placement;
- the date from which it is expected that the liability to pay SPP will begin
- whether the period chosen in respect of which SPP is to be payable is a week or two weeks
- in the case of adoption, the date the adopter was notified that he or she had been matched with the child; and
- include a declaration that:
  - you satisfy the conditions as to relationship with the child, and relationship with the mother or the adopter, as set out above;
  - during your period of paternity leave, it will be your purpose to care for the child, or to support the child's mother or the adopter; and
  - in the case of an adoption, that you have elected to receive SPP, and not statutory adoption pay.

You should submit this notice on the Paternity Leave Request form which may be obtained from the Trust Business Manager, who will be able to advise you on how to claim SPP. If it is not reasonably practicable for you to give this notice in time, you must do so as soon as it is reasonably practicable.

If you do not complete and return the Paternity Leave Request Form, the Trust may not be able to pay you SPP.

### **Time off for Antenatal Care**

In birth cases, please refer to the Trust's Time of for Antenatal Care Policy for further details on this entitlement, in relation to time off for accompanying a pregnant woman.

In adoption cases, please refer to the Trust's policy on Adoption Policy for further details.

## **Enhanced Paternity Pay**

The Trust offers Enhanced Paternity Pay at the full rate of your normal basic salary during one week of your paternity leave, which includes any entitlement to SPP that may be due for that period.

You will be eligible for this entitlement, if you have been continuously employed for at least 26 weeks continuous employment ending with the 15th week before the expected date of childbirth (in the case of a birth) or no more than 7 days after the date on which the primary adopter is notified of having been matched with the child, and you have not been on any maternity, adoption or shared parental leave during the 12-month period ending on those dates above.

## **Combining Paternity Leave and Parental Leave**

Your right to take unpaid parental leave is not affected by your right to paternity leave. If you satisfy the conditions for each right, then you may take a combination of parental leave and paternity leave.

However, the length of parental leave you take may affect the job you can return to, so please contact the Trust Business Manager if you wish to combine different types of leave. Please also see the Trust's Parental Leave Policy for further details.

## **Your Rights when you Return**

If your paternity leave was not part of a longer overall period of continuous leave, you are entitled to return to work in the same position as you held before commencing leave. Your terms and conditions of employment will be no less favourable than they would have been if you had not been absent on paternity leave. This also applies where you take paternity leave immediately after another period of leave, consisting of one or more continuous periods of other types of family leave (which may have been taken in relation to the same child or in relation to a different child or different children), without returning to work in between, provided that the overall period of continuous leave:

- does not include any period of parental leave of more than four weeks. Please refer to the Trust's Parental Leave Policy for further details; and
- does not include any period of family leave taken in relation to a particular child which, when added to any other periods of family leave taken in relation to that particular child (excluding any periods of parental leave taken in relation to that child) means that the total amount of family leave taken in relation to that child is more than 26 weeks.

If your paternity leave immediately follows another type of leave and the conditions in the two points above apply, you will be entitled to return to work in the same position unless that is not reasonably practicable. If it is not reasonably practicable, you will be entitled instead to return to another suitable and appropriate job, on terms and conditions that are no less favourable.



## **Sickness**

If you are unable to return to work at the end of your paternity leave due to sickness or injury, this will be treated as sickness absence and the usual sickness procedures and entitlements will apply.

## **Flexible Working**

We will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. However, you should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working.

The Trust will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business.

It is helpful if requests are made as early as possible.

You should refer to the Trust's Flexible Working Policy for further information and practical guidance about making an application to work flexibly.

## **Maternity Support Leave**

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

Maternity Support Leave is only applicable to staff subject to Green Book terms and conditions.